

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RONALD BRODEN,

Plaintiff,

v.

BORIS RUBINSTEIN, M.D., M.P.H.,

Defendant.  
-----X

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
DOC #:  
DATE FILED: 5/8/25

**ORDER**

21 CV 10411 (VB)

By letter dated May 8, 2025, plaintiff's counsel requests that (i) plaintiff's expert witness, Dr. David Salvage, be permitted to testify remotely at trial, and (ii) the Court order non-party Loeb & Loeb LLP to comply with plaintiff's May 6, 2025, trial subpoena by producing "copies of the current will and immediate prior will" of plaintiff's parents. (Doc. #131).

With respect to Dr. Salvage's testimony, Rule 43(a) provides that "[a]t trial, the witnesses' testimony must be taken in open court" and that "[f]or good cause in compelling circumstances . . . the court may permit testimony in open court by contemporaneous transmission." Plaintiff has not explained whether there is good cause or compelling circumstances necessitating Dr. Salvage's remote testimony, nor has he provided defense counsel's position regarding this request. By no later than **May 12, 2025**, plaintiff's counsel shall submit a letter explaining why it is appropriate under Rule 43(a) to permit Dr. Salvage to testify remotely.

With respect to the May 6 subpoena to Loeb & Loeb, which is returnable May 27, Loeb & Loeb has not moved to quash or otherwise indicated it will not comply. Therefore, plaintiff's request is premature.

By **May 15, 2025**, defense counsel shall submit a response to plaintiff's counsel's May 8 and May 12 letters.

Finally, it appears plaintiff's counsel believes the final pre-trial conference will be held on May 15, 2025. That is not correct. That conference is scheduled for **May 20, 2025, at 2:30p.m.**, at the White Plains Courthouse, Courtroom 620. (Doc. #114).

Dated: May 8, 2025  
White Plains, NY

SO ORDERED:



Vincent L. Briccetti  
United States District Judge